

## REMARKS

This application has been reviewed in light of the Office Action mailed April 29, 2009. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 26 are pending in the application with Claims 1 – 5 and 7 – 26 having been previously withdrawn from examination. By the present amendment, Claim 6 is amended to include the feature that the two or more photodetectors are photodetectors remaining after removal of unnecessary photodetectors. Support for the features recited in Claim 6 can be found throughout the disclosure as originally filed, for example, paragraphs [0014] and [0097] – [0099] of the published application. Therefore, no new subject matter is introduced into the disclosure by way of the present amendment.

Initially, the present Office Action maintains that Claims 1 – 9 are not generic, because allegedly there are two types of devices recited in Claims 1 – 9. The first recited devices have equal heights, while the second devices have unequal heights. The present Office Action asserts that no generic claim encompasses both cases, and thus it is impossible for Claims 1 – 9 to be generic.

Moreover, the present Office Action states that “...the elected invention is directed towards purely a photo detecting arrangement, and thus Claims 1 – 5 and 7 – 9 cannot possibly be considered generic as these claims also have optical elements (LED) connected to an output of the semiconductor circuit. The elected species has no optical element of any kind connected to the output of the semiconductor device and as such Claims 1 – 5, 7 – 14 and 16 are directed to the non-elected invention.” Additionally, given the reasoning presented in the present Office Action for maintaining the restriction, Applicant assumes that Claim 15 was intended to be designated as withdrawn as well. Therefore, Claim 15 is identified in the enclosed listing of

claims as withdrawn and the novelty of the features recited therein over the cited prior art is not discussed hereinbelow.

It should be noted that Claim 6, directed to FIG. 3A and 3B, is generic to all the species of Group I. Specifically, Claim 6 recites a semiconductor circuit having two or more irregularly arranged input ports, each of which is connected to a photodetector, the height of the photodetectors are identical. Photodetectors are a type of optical element, along with LEDs and lenses, for example. Therefore, independent Claims 1, 2 and 7, along with the associated dependent claims, essentially include the features of Claim 6 as well as other components. The same reasoning holds for the features recited in Claims 1 and 7. Also, species A (i.e. FIG. 3A and 3B) shows structures common throughout all of the species disclosed in the present application. Therefore, if Claim 6 is allowed in its generic form, Applicants request reintroduction of the nonelected claims into the application by way of rejoinder.

#### **I. Rejection of Claim 6 Under 35 U.S.C. § 103(a)**

Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,703,689 issued to Wada.

Wada discloses a method of manufacturing optical elements (i.e. photoreceiver elements) on a semiconductor wafer, which is then diced into individual chips. However, Wada does not disclose or suggest a semiconductor integrated circuit having two or more irregularly arranged electrical signal input ports to which are connected the two or more photodetectors. In fact, photodetector arrays, as disclosed in Wada, have photodetector elements arranged in a regular, grid pattern in order to provide the standard  $m \times n$  pixel resolution. Moreover, Wada fails to disclose that the two or more photodetectors are photodetectors remaining after removal of unnecessary photodetectors in the array.

Therefore, Claim 6 is believed to be allowable. Accordingly Applicants respectfully request withdrawal of the rejection with respect to Claim 6 under 35 U.S.C. § 103(a) over Wada.

## CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claim 6 is believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



Paul J. Esatto, Jr.

Registration No. 30,749

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza - Ste. 300  
Garden City, New York 11530  
(516) 742-4343  
PJE/DAT:ab